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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,865	09/22/2003	Charles Le Gall	Q77525	4308
23373 7590 03/17/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER MILLER, SAMANTHA A				
ART UNIT		PAPER NUMBER		
3749				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/664,865

Applicant(s)

LE GALL, CHARLES

Examiner

SAMANTHA A. MILLER

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CDC)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Receipt of applicant's amendment filed on 9/29/2008 is acknowledged.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over
TIKKA (2001/0052412) in view of NOREN (4,600,050).

TIKKA teaches:

1. A container (cabinet) comprising walls (top, sides, and bottom walls of the cabinet shown in Fig.1) defining an inside zone (zone containing 1, 2, and ,3) suitable for housing at least one piece of equipment (1, 2, and 3), at least one of said walls (Fig.1) being constituted by at least three sub-walls (three side walls shown of 100) spaced apart from one another in such a manner as to define at least first and second air circulation spaces (the two channels of 100 controlled by 101 and 102), said first space (controlled by 101) communicating with the outside of said container via at least two outside openings (the entrance to channel at 101 and the exit of the same channel, Fig.1), and said second space (controlled by 102) communicating said inside zone via at least two openings (the entrance to channel at 102 and the exit of the same channel, Fig.1), a first one of said sub- walls (outer sidewall of 100, Fig.1) facing the outside of

said container, a second one of said sub-walls (inner side wall of 100, Fig.1) facing said inside zone, and a third one of said sub-walls (intermediate wall of 100, Fig.1) being interposed between said first and second sub-wall, aid first sub-wall is formed from a thermally insulating material (para.0020-0021).

2. The third sub-wall (intermediate wall of 100) is constituted by a material for enabling heat to be transferred between said first and second spaces (being a heat exchanging plate) (para.0020-0021).

3. The second sub-wall is constituted by a thermally insulating material (being a heat exchanger) (para.0020-0021).

4. A first air circulator device (101) arranged to suck in air from outside said container via at least a first one of said outside openings (the entrance to channel at 101 and the exit of the same channel, Fig.1), to cause said outside air to circulate in said first space (first channel of 101), and then to expel said outside air through at least a second one or said outside openings (the exit of the same channel to the outside, Fig.1).

5. A portion of said air circulator device (101) is installed substantially in said second outside opening (at the entrance of the channel of 101).

6. The first air circulator device (101) comprises at least one fan (para.0020).

7. At least one second air circulator device (102) arranged to suck air in from said inside zone via at least one of said first inside openings (the entrance to channel at 102 and the exit of the same channel, Fig.1), to cause said inside air to circulate in said

second space (channel of 102), and then to expel said inside air through at least a second one of said inside openings (the exit of the 102 channel, Fig.1).

8. A portion at least of said second air circulator device (102) is installed substantially in said second inside opening (the entrance to channel at 102).

9. The second air circulator device (102) comprises at least one fan (para.0021).

10. A control device (103) arranged to control the operation of said first air circulator device (101) and/or of said second air circulator device (102) (by controlling the pressure and temperature out of the fan it controls the operation of the fans) (para.0023).

11. The control device (103) is arranged to control the operation of said first air circulator device (101) and/or of said second air circulator device (102) in such a manner as to regulate the temperature in said inside zone (para.0023-0025).

12. The direction of air circulation in said first space (channel of 101) is substantially opposite to the direction of air circulation in said second space (channel of 102) (Fig.1).

13. Each of at least three walls (top, bottom, and one side) of said container comprise are constituted by said at least three sub- walls (side walls of 100) (Fig.1).

14. The three walls (top, bottom, and one side) communicate with one another in such a manner as to constitute a single-shaped element (Fig.1).

15. One of the three walls (top, bottom, and one side) is a top wall (Fig.1).

16. A telephone system including a container housing telephone equipment (para.0021).

TIKKA teaches the invention above, however TIKKA does not teach first and second air circulation spaces being separated without any communication or air inside said container does not contact air outside said container.

NOREN teaches:

1. first (inside 90) and second (outside 90) air circulation spaces being separated without any communication therebetween (col.2 ll.20-37) and a sub-wall (frame of 90) sealingly separates said first and second circulation spaces so that air inside said container does not contact air outside said container (col.2 ll.20-37).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the cabinet of TIKKA with the separation of inside air from outside air of NOREN in order to cool equipment inside the enclosure while the equipment remains isolated from the hostile environment surrounding it (NOREN, col.3 ll.8-10).

Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR '1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272 9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Samantha Miller

Examiner

Art Unit 3749

3/2/2009

/Steven B. McAllister/

Supervisory Patent Examiner, Art Unit 3749